

ASSEMBLY BILL

No. 694

Introduced by Assembly Member Chan

February 17, 2005

An act to amend Section 44241 of the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 694, as introduced, Chan. Motor vehicle air pollution control: district fees: Bay Area Air Quality Management District.

(1) Existing law requires specified motor vehicle fee revenues generated in the Bay Area Air Quality Management District to be subvented to the bay district and used for specified projects or programs, including the implementation of low-emission and zero-emission vehicle programs. Existing law requires the bay district to allocate those fee revenues to cities, counties, the Metropolitan Transportation Commission, transit districts, or any other public agency responsible for implementing one or more of the specified projects or programs.

This bill would delete from those specified projects and programs the implementation of low-emission and zero-emission vehicle programs, and would, instead, add the implementation of projects to reduce mobile source emissions, and of advanced technology demonstration projects to reduce mobile source emissions, thereby creating a state-mandated local program by imposing new duties on the bay district. The bill would authorize the bay district to allocate fee revenues for those mobile source emissions projects to entities that include, but are not limited to, public agencies, consistent with applicable policies adopted by the governing board of the bay district.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44241 of the Health and Safety Code is
2 amended to read:

3 44241. (a) Fee revenues generated under this chapter in the
4 bay district shall be subvented to the bay district by the
5 Department of Motor Vehicles after deducting its administrative
6 costs pursuant to Section 44229.

7 (b) Fee revenues generated under this chapter shall be
8 allocated by the bay district to implement the following mobile
9 source and transportation control projects and programs that are
10 included in the plan adopted pursuant to Sections 40233, 40717,
11 and 40919:

12 (1) The implementation of ridesharing programs.

13 (2) The purchase or lease of clean fuel buses for school
14 districts and transit operators.

15 (3) The provision of local feeder bus or shuttle service to rail
16 and ferry stations and to airports.

17 (4) Implementation and maintenance of local arterial traffic
18 management, including, but not limited to, signal timing, transit
19 signal preemption, bus stop relocation and “smart streets.”

20 (5) Implementation of rail-bus integration and regional transit
21 information systems.

22 (6) Implementation of ~~low-emission and zero-emission vehicle~~
23 ~~programs and of demonstration projects in telecommuting and in~~
24 congestion pricing of highways, bridges, and public transit. No
25 funds expended pursuant to this paragraph for telecommuting
26 projects shall be used for the purchase of personal computing
27 equipment for an individual’s home use.

1 (7) *Implementation of projects to reduce mobile source*
2 *emissions, and of advanced technology demonstration projects to*
3 *reduce mobile source emissions.*

4 (8) Implementation of a smoking vehicles program.

5 ~~(8)~~

6 (9) Implementation of an automobile buy-back scrappage
7 program operated by a governmental agency.

8 ~~(9)~~

9 (10) Implementation of bicycle facility improvement projects
10 that are included in an adopted countywide bicycle plan or
11 congestion management program.

12 ~~(10)~~

13 (11) The design and construction by local public agencies of
14 physical improvements that support development projects that
15 achieve motor vehicle emission reductions. The projects and the
16 physical improvements shall be identified in an approved
17 area-specific plan, redevelopment plan, general plan, or other
18 similar plan.

19 (c) Fee revenue generated under this chapter shall be allocated
20 by the bay district for projects and programs specified in
21 subdivision (b) to cities, counties, the Metropolitan
22 Transportation Commission, transit districts, or any other public
23 agency responsible for implementing one or more of the
24 specified projects or programs. *Fee revenue generated under this*
25 *chapter may also be allocated by the bay district for projects and*
26 *programs specified in paragraph (7) of subdivision (b) to entities*
27 *that include, but are not limited to, public agencies, consistent*
28 *with applicable policies adopted by the governing board of the*
29 *bay district.* Fee revenues shall not be used for any planning
30 activities that are not directly related to the implementation of a
31 specific project or program.

32 (d) Not less than 40 percent of fee revenues shall be allocated
33 to the entity or entities designated pursuant to subdivision (e) for
34 projects and programs in each county within the bay district
35 based upon the county's proportionate share of fee-paid vehicle
36 registration.

37 (e) In each county, one or more entities may be designated as
38 the overall program manager for the county by resolutions
39 adopted by the county board of supervisors and the city councils
40 of a majority of the cities representing a majority of the

1 population in the incorporated area of the county. The resolution
2 shall specify the terms and conditions for the expenditure of
3 funds. The entities so designated shall be allocated the funds
4 pursuant to subdivision (d) in accordance with the terms and
5 conditions of the resolution.

6 (f) Any county, or entity designated pursuant to subdivision
7 (e), that receives funds pursuant to this section, at least once a
8 year, shall hold one or more public meetings for the purpose of
9 adopting criteria for expenditure of the funds and to review the
10 expenditure of revenues received pursuant to this section by any
11 designated entity.

12 SEC. 2. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.